IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1392 OF 2006

Rajesh Subhash Nirgude.. .... Petitioner.

Versus

The Union of India & Others.. ... Respondents.

Mr. S. S. Karkera for the Petitioner.

Mr. R. Nirgude with Mr. V.S.Masurkar and
Mrs. N.V.Masurkar for the Respondents.

**CORAM : V.G. PALSHIKAR, and
V.R.KINGAONKAR, JJ.**

DATED : 6TH MARCH, 2006.

P.C.:

By this petition, the petitioner has impugned order passed by the Central Administrative Tribunal rejecting his Original Application.

2. By the Original Application, the petitioner prayed for direction to the respondents regarding consideration of the petitioner's case for the post of Vocational Instructor (Tool & Die Maker). The contention was that being single post no reservation law can apply and hence the contention of the

respondents that it is reserved for backward class category, namely, Scheduled Tribe is untenable. This contention, in our opinion, is illfounded because the category for which employment is sought is that of a Vocational Instructor. 6 such posts are required to be filled in, one of which reserved for Scheduled Tribe, 2 of which reserved for Other Backward Class and 3 are unreserved. How to retreat the reservation on these seats is the right of the employer. It cannot be, therefore, mandated that it should be reserved for a particular category of backward class. There is, therefore, no substance in this petition. The petition is rejected.

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